

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JESSICA ABETYTA, )  
Plaintiff, )  
v. )  
STONECREST MEDICAL CENTER, )  
*et al.* )  
Defendants. )

)  
)

No. 3:18-cv-00386  
Chief Judge Crenshaw  
Magistrate Judge Brown  
**JURY DEMAND**

## **ORDER**

Pending before the court are motions to dismiss from Defendant StoneCrest Medical Center (Doc. No. 22), Defendants Bingham and Trembley (Doc. No. 38), and Defendant Sloas (Doc. No. 47). All three motions to dismiss argue that because the alleged conduct occurred on April 20, 2017 and the Complaint was not filed until April 23, 2018, all the claims are barred under the one-year statute of limitations that applies to each of the claims. Plaintiff concedes that a one-year statute of limitations applies; however, Plaintiff alleges that she stayed overnight at the hospital until sometime on April 21, 2017. (Doc. No. 32, p. 5; Doc. No. 53, p. 18). If true, any conduct that occurred on April 21, 2017 would not be time barred until after April 23, 2018 because April 21, 2018 fell on a Saturday. Fed. R. Civ. P. 6(a)(3)(A) (extending the filing deadline to the next accessible day that is not a Saturday, Sunday, or legal holiday).

In order to accurately assess the statute of limitations claim, the Magistrate Judge requests that Defendants submit under seal documentation of Plaintiff's visit to establish which actions took place on April 20, as opposed to April 21, 2017. Defendants have 14 days to submit the records.

It is so ORDERED.

/s/      Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge